

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MANAGEMENT RECRUITERS	)	
INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	Civil Action No. 2:17-cv-05538-CMR
v.	)	
	)	
JAMES HENDERSON JR. and	)	
INSIGHT HIRING SYSTEMS LLC	)	
	)	
Defendants.	)	

**MOTION AND MEMORANDUM OF LAW FOR AN EXTENSION OF TIME FOR  
DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants James Henderson Jr. and Insight Hiring Systems LLC, by and through their attorneys, Ryder, Lu, Mazzeo & Konieczny LLC, respectfully submit this Motion and Memorandum of Law for an Extension of Time for Defendants to Answer or Otherwise Respond to Plaintiff's Complaint.

In support of their motion, Defendants aver the following:

1. Plaintiff filed its Complaint on December 11, 2017 (Dkt. No. 1).
2. Defendants were served with the Complaint on or around December 14, 2017.

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), Defendants' answer or other response to the Complaint was due by or around January 4, 2018.

3. Defendants retained Frank A. Mazzeo, Esq. (“Attorney Mazzeo”) of the law firm of Ryder, Lu, Mazzeo & Konieczny LLC (“RLMK”) on January 11, 2018 to represent their interests as counsel in this matter. On January 9, 2018, Attorney Mazzeo contacted Plaintiff’s counsel, advising her that RLMK was in the process of being retained by Defendants and requesting a 30-day extension of time to answer or otherwise respond to the Complaint, and to give the parties time to discuss potential settlement of the matter.

4. On January 11, 2018, Plaintiff's counsel reported that Plaintiff was willing to consent to a 30-day extension of time for Defendants to answer the Complaint only. On the same day, Attorney Mazzeo spoke to Plaintiff's counsel regarding this matter, including Plaintiff's claims, responding to the complaint, and potential settlement. Instead of the original 30 days, Attorney Mazzeo requested a two-week extension of time to answer or otherwise respond to Plaintiff's Complaint, and to continue to discuss potential settlement.

4. On January 17, 2018, Plaintiff's counsel requested Attorney Mazzeo to send his proposal in writing, which was sent to Plaintiff's counsel on January 22, 2018. Plaintiff's counsel responded that Plaintiff was still only willing to consent to an extension of time to have Defendants answer the Complaint only.

5. Defendants' time to answer or otherwise respond to the Complaint was already expired at the time that RLMK was retained by Defendants. Having only recently been retained, RLMK has not had adequate time to investigate the factual allegations in the Complaint, and cannot unreservedly accept Plaintiff's consent to a two-week extension of time to answer the Complaint only, as RLMK does not wish to foreclose any other possible responses, pleadings, or defenses on behalf of its clients, including possible motions to dismiss the Complaint under Federal Rule of Civil Procedure 12(b). Accordingly, a 30-day extension of time for Defendants to answer or otherwise respond to the Complaint, and continue to discuss possible settlement with Plaintiff, is reasonable under the circumstances. *See James Industries, Inc. v. Lexar Corp.*, 60 Fed. Appx. 385, 2003 WL 1477785 (3d Cir. Mar. 24, 2003).

6. No other extensions of time have been granted or sought.

7. No prejudice will result from the extension of time sought herein because Plaintiff has already been willing to grant Defendants an extension of time and is also interested in using the additional time to discuss potential settlement.

8. Accordingly, Defendants request that the attached proposed form of Order, which provides Defendants until February 19, 2018 to file their answers or otherwise respond to the Complaint, be entered.

Date: January 23, 2018

Respectfully submitted,

Ryder, Lu, Mazzeo & Konieczny LLC

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**CERTIFICATE OF SERVICE**

I, Denis Yanishevskiy, Esq., certify a true and correct copy of the foregoing Motion and Memorandum of Law for an Extension of Time for Defendants to Answer or Otherwise Respond to Complaint was served this date via ECF and First Class Mail upon the following:

Elizabeth Gallard, Esq.  
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*Attorney for Management Recruiters  
International, Inc.*

Date: January 23, 2018

By: /DenisYanishevskiy/  
Denis Yanishevskiy

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## ORDER

Upon consideration of the Motion and Memorandum of Law for an Extension of Time for Defendants to Answer or Otherwise Respond to Plaintiff's Complaint, it is hereby:

ORDERED that Defendants Motion for an Extension of Time be and hereby is GRANTED;

and it is further

ORDERED that Defendants have until February 19, 2018 to file an Answer or otherwise respond to Plaintiff's Complaint.

SO ORDERED.

Date: \_\_\_\_\_

Honorable Cynthia M. Rufe,  
United States District Judge